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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/421,108	10/19/1999	HANS HSU	3783-4001	3647

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EXAMINER

PATEL, JAGDISH

ART UNIT	PAPER NUMBER
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2164

DATE MAILED: 01/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/421,108

Applicant(s)

HSU ET AL.

Examiner

JAGDISH N PATEL

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 195-211 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 195-211 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This office action is in response to the applicant's amendment of the application received on October 26, 2001.
2. The specification has been amended, claims 1-194 have been canceled and new claims 195-211 have been added.

Response to Arguments

2. The applicant's arguments regarding prior art of Utopia in reference to the new claims have been fully considered and responded to in the following claim analysis.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 195-211 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claims 195-211 recite the limitation "the gift's purchase price" in line 2 p. 4 (line 4 p. 8 for claim 209) of amendment. There is insufficient antecedent basis for this limitation in the claims.

Dependent claims inherit this deficiency from their respective parent claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 195, 196, 198, 201, 204-208 and 2⁰⁹10-214¹ are rejected under 35 U.S.C. 102^a(~~a~~) as being clearly anticipated by “UCOPIA: Ucopia Unveils New Wedding Registry Partners;....”; Business/lifestyle Editors and Retail/Technology Writers, July 1998 (hereafter referred to as Ucopia).

8. Claims 195 and 209: Ucopia discloses a method for enabling a plurality of gift givers to each make a respective commitment for monetary contribution of any giver-desired amount toward a gift for a gift recipient, the method comprising:

Receiving at a centralized gift registry computer system gift ideas supplied by the gift recipient (“couples can choose items from an extensive list ...to build a personalized registry”..., para 5);

Storing the gift ideas in a memory which is part of , or accessible to, said gift registry computer system (this step is inherent in Ucopia, since the items chosen by the registered couples are to be presented to the potential gift givers via the gift registry);

Providing to the gift givers, based on the stored gift ideas and in response to requests supplied to said gift registry computer, an on-line of gift ideas

(Ucopia: "guests enjoy the convenience of accessing all the selections in one place, and purchasing online.., para. 5);

Receiving at said gift registry computer system commitments from the gift givers for monetary contributions toward the purchase of a gift selected from the on-line display of gift ideas (Ucopia: higher-priced items may be designated for group purchases..refer to "Ucopia features" para 7, one of the features is that a gift of high price, which may be beyond "their individual budget" are selected for collective or group purchases);

Combining the commitments for monetary contributions and updating the display of the gift ideas to reflect the current commitments towards the selected gift (since the gift(s) selected for collective purchasing are designated as such, it is inherent that a potential contributor is informed of the commitment (monetary amount) already committed towards the gift or alternatively commitment amount still required towards the full amount of the item);

Automatically generating a purchase request for the selected gift if the total of the commitment is equal to or greater than ^a the gift's purchase price_{of the gift.} (Ucopia instantly updates couple registries after purchases.., the automatically generating purchase request step is anticipated because the registered gift is designated for purchase via the registry);

Attempting to satisfy the purchase request (see discussion of above limitation "automatically generating purchase request..));

Wherein the commitment of each giver that commits to make a monetary contribution is for any giver-desired portion of the uncommitted balance of the gift's purchase price (since the gift is designated for group purchases, it is anticipated that [as in many social events where collection is solicited for a predetermined amount for a selected gift, a plurality of gift givers contribute their desired amount towards the gift item] the giver himself or herself decides what portion of the uncommitted balance of the gift's price he or she wants to commit. Ucopia web site reference under heading "How do group purchase work?" teaches that the dollar amount be specified in terms of a share each having a pre-selected dollar value and that each giver participating in the group purchase one or more share. Since the share price can be varied without limit it is anticipated that each giver can commit any giver-desired portion of the uncommitted balance).

All limitations of system claim 209 are analyzed as in corresponding method claim 1.

Claim 196: commitment of each giver commits to make a monetary contribution is directly specified by the giver as an amount of money (since each share represents an underlying predetermined fixed monetary amount, the giver may specify any amount of money appropriate to monetary value of a gift by specifying number of shares that represent his/her desired contribution, in other words so long as the share price of Ucopia is an alternative representation of money).

Claim 198: sending the purchase request to a supplier (inherent feature of an on-line purchase such as Ucopia).

Claim 201: receiving credit card information supplied by the gift givers that make commitments (extremely conventional method of payment and therefore anticipated for gift purchase and/or commitment of gift amount).

Claim 204-206: features of receiving cash if the total of commitments is less than the gift's purchase price, one or more gift-ideas specified by the gift recipient is associated with a recipient is associated with a recipient determined price (or vendor) (well established business practices and therefore inherent to this reference).

Claims 207 and 208 are analyzed as corresponding method claim 195.

Claim 210: communication network is the Internet (para 1, ..the Internet's leading gift registry..).

Claim 211: refer to claim 196 analysis.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 197, 202, 203 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ucopia as and further in view of weddingchannel.com.

(Examiner's Note: Since Ucopia.com is no longer accessible, the examiner has used alternative reference weddingchannel.com for convenience. However, the features recited in claim 197 are germane to any web based gift registry.)
generating one or more web pages based on gift ideas supplied by the gift recipient; and supplying the generated web pages to the gift givers in response to giver-supplied requests (refer to link "view item" next to the item listed, the giver is supplied with the web pages pertaining to the gift of interest);

Ucopia fail to clearly recite the features of aforementioned claims. However, as discussed above, weddingchannel.com discloses generating web pages, supplying web pages to gift givers. It would have obvious to one of ordinary skill in the art at time of the claimed invention to implement these steps in Ucopia.

Motivation for these features is to provide the giver all necessary information and graphic display about the gift item so as to help him or her view the gift item and make decision towards gift purchase.

Claims 202 and 203: Utopia fails to disclose features of commitments which are contingent upon other gift givers making commitments such that the total of all commitments is equal to or greater than the price of the selected gift and gift ideas specifying a substitute options.

However, Official Notice is notice is taken that specifying substitute gift item (for example as an item of second choice) and providing cash in lieu of gift item if the gift item is unavailable or cannot be collectively purchased is old and well known business practice. It would have been obvious to one of ordinary skill in the art at the time of the claimed invention to implement these features because these feature would allow the givers alternative secondary choices for gift giving. Also it would ensure to the giver that the gift is received by the recipient in one or other form.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jagdish Patel whose telephone number is (703) 308-7837. The examiner can normally be reached Monday-Thursday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1038. The fax number for Formal or Official faxes to Technology Center 2100 is (703) 746-7239 or 7238. Draft or Informal faxes for this Art Unit can be submitted to (703) 746-7240. **Draft faxes may also be submitted directly to the examiner at (703) 746-5563.**

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

JNP 01/12/02



VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100